



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,571	02/21/2001	Ryoji Ishihara	M&M-036-USA-P	5928

7590 07/16/2003

TOWNSEND & BANTA  
601 Pennsylvania Ave., N.W.  
Suite 900, South Bldg.  
Washington, DC 20004

EXAMINER

YOON, TAE H

ART UNIT

PAPER NUMBER

1714

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

EXAMINER
----------

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

Below is a communication from the EXAMINER in charge of this application  
COMMISSIONER OF PATENTS AND TRADEMARKS

**ADVISORY ACTION**

**REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.**  
Before, further action by the applicant is required to avoid abandonment of this application. A proper reply to a rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check only a) or b)]

☒ The period for reply expires 5 months from the mailing date of the final rejection.

☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee are filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in e, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any patent term adjustment. See 37 CFR 1.704(b).

A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.

The proposed amendment(s) will not be entered because:

- ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);
- ☐ they raise the issue of new matter. (see NOTE below);
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

*See attachment*

Applicant's reply has overcome the following rejection(s):

*35 USC 112, first and second pp*

Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

The a) ☐ affidavit, b) ☒ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See attachment*

The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: *1-2 and 9-19*

Claim(s) withdrawn from consideration: \_\_\_\_\_

The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.

State the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s): \_\_\_\_\_

Her: \_\_\_\_\_

*Tae H. Yoon*  
TAE H. YOON  
PRIMARY EXAMINER

Art Unit: 1714

**ATTACHMENT TO ADVISORY ACTION**

The instant claim 1 reciting a combined limitation of claims 2 and 3 and claim 9 reciting a limitation of claim 2 raise new issues that would require further consideration and search, and thus the amendment is denied of entry. The amendment is deemed to overcome the rejection under 35 U.S.C. 112, first and second paragraph, however, it will not be entered as the reason given above.

Applicant's argument is based on the amendment which is denied of entry, and thus has little probative value which would not require the examiner's response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



THY/July 15, 2003

TAE H. YOON  
BY EXAMINER